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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,021	09/26/2003	Andrea Tavelli	163-509	7686
47888	7590	04/29/2005	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			COLE, ELIZABETH M	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,021

Applicant(s)

TAVELLI ET AL

Examiner

Elizabeth M. Cole

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/04</u> . | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 1771

1. Claims, 8, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, it is not clear what is meant by "NWF". Also, while PVC is a generally used abbreviation for polyvinyl chloride, it is preferable that all the words in the claim be spelled out rather than abbreviated so that the claim is as clear as possible.

In claim 11 it is not clear what is meant by "hairs". Does this refer to a pile surface? Flocked fibers? Any type of fabric? The claimed structure is unclear.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al, U.S. Patent No. 6,100,208. Brown discloses an outdoor protective fabric which comprises an inner layer of nonwoven fibers, an outer layer which can comprise a woven or nonwoven fabric which is combined with the inner layer through a barrier layer and/or by extrusion. See col. 6, lines 43-65. The barrier layer is a water impervious layer and may comprise films, foams, non-porous films, micro-porous films and micro-porous nonwoven materials. Suitable films may comprise polyethylene, polypropylene or polyurethane films. See col. 9, line 58 – col. 10, line 48. The outer layer may comprise a woven web, knitted fabric, spunlaced material, bonded carded webs, needles punched material or spunbonded nonwoven webs. The outer layer fabric may

Art Unit: 1771

be formed from polyolefins such as polypropylene or polyethylene. See col. 10, lines 48-65. The woven fabric would necessarily meet the limitation of the interlacing of the yarn being at substantially 90 degrees, (claim 3), the nonwoven fabrics would inherently meet the limitations regarding the fibers being interlaced obliquely, (claim 4).

While Brown discloses that the outdoor fabric can be used as a car cover, it is noted that the limitations regarding the use of the vehicle as well as the limitations regarding it's suitable for being withheld and blocked do not recite any structure and therefore do not further limit the claims. With regard to claim 11, since Brown teaches a nonwoven web as the interior layer formed from microfibers, these fibers would correspond to the claimed hairs. With regard to claim 20, since this claim is a statement of an intended use of the fabric, it is not given patentable weight, (i.e. a fabric is claimed, not a packaged item).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al, U.S. Patent No. 6,100,208. Brown differs from the claimed invention because Brown does not teach the length of the claimed hairs. However, since Brown teaches employing meltblown microfibers to form a soft inner layer, it would have been obvious

to have selected the particular lengths of the microfibers through the process of routine experimentation in order to form a fabric having the desired softness and hand.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al, U.S. Patent No. 6,100,208 in view of Gillem, U.S. Patent No. 5,029,933 and JP 20000108685. Brown et al discloses a protective cover for vehicles as set forth above. Brown et al differs from the claimed invention does not disclose attaching various straps and securing means for attaching the cover to the vehicle, does not teach configuring the cover to particular vehicles and does not teach the use of hook and buckles for attaching the cover to the vehicle. Gillem teaches that car covers can be formed which are configured to a particular car shape and that such covers can employ straps to hold the cover onto the vehicle. See abstract, drawings, as well as col. 2, lines 58 – col. 3, line 18. JP '685 is cited to show that buckles can be used in conjunction with the other fastening means for securing the cover onto the vehicle. See abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed straps, hooks and buckles to secure the car cover to the vehicle in Brown. It further would have been obvious to have shaped the cover so that it corresponded to a particular vehicle shape. One of ordinary skill in the art would have been motivated to shape and secure the cover to the vehicle as taught by Gillem by the expectation that this would enhance the protection provided by the cover by attaching it more securely to a vehicle whose shape the cover mirrored.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571)

Art Unit: 1771

272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.

A handwritten signature in black ink, appearing to read "Elizabeth M. Cole".

Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c